

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

YOLANDA ALDERETE,

Plaintiff,

v.

CIV 19-0643 WJ/KBM

ANDREW SAUL,
Commissioner of Social
Security Administration,

Defendant.

PROPOSED FINDINGS & RECOMMENDED DISPOSITION


THIS MATTER is before the Court on Defendant's Motion to Remand for Further Administrative Proceedings Pursuant to Sentence Four of 42 U.S.C. § 405(G) (*Doc. 32*), filed on April 30, 2020. On January 2, 2020, Plaintiff filed her Motion to Reverse or Remand for a Rehearing with Supporting Memorandum (*Doc. 23*). In response, the Commissioner filed the instant motion for remand, which Plaintiff does not oppose. *Doc. 32*. In short, the parties agree that this case should be remanded for further proceedings.

However, to remand under sentence four of 42 U.S.C. § 405(g), the Court must review the record and determine whether the ALJ's decision is supported by substantial evidence, and whether the ALJ correctly applied the law relevant to the disability claim. *Nguyen v. Shalala*, 43 F.3d 1400, 1403 (10th Cir. 1994). If not, reversal is appropriate. *Id.*

Having reviewed the record in light of the issues Plaintiff raised in her Motion to Remand, the Court finds that the ALJ's decision is not supported by substantial

evidence and that the ALJ did not apply the correct legal standards in reaching a partially favorable disability determination. Therefore, the Court finds that the Commissioner's Motion to Remand (*Doc. 32*) is well taken and recommends that it be **granted**.

THE PARTIES ARE FURTHER NOTIFIED THAT WITHIN 14 DAYS OF SERVICE of a copy of these Proposed Findings and Recommended Disposition they may file written objections with the Clerk of the District Court pursuant to 28 U.S.C. § 636(b)(1). **A party must file any objections with the Clerk of the District Court within the fourteen-day period if that party wants to have appellate review of the proposed findings and recommended disposition. If no objections are filed, no appellate review will be allowed.**



HONORABLE KAREN B. MOLZEN
UNITED STATES MAGISTRATE JUDGE